

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9232 of 2022

Applicant :- Ankit Pal S/O Ram Bhajan

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home

Counsel for Applicant :- Raghunath Prasad, Kailash Nath Tewari, Pradeep Tiwari, Shubham Gupta, Vineet Jaiswal

Counsel for Opposite Party :- G.A., Farhan Alam Osmany

Hon'ble Mohd. Faiz Alam Khan, J.

1. Rejoinder affidavit filed on behalf of the applicant is taken on record.
2. Heard learned counsel for the accused-applicant as well as learned A.G.A. for the State and perused the record.
3. This bail application has been moved by the accused/applicant - **Ankit Pal S/O Ram Bhajan** for grant of bail, in Case Crime No.63 of 2022, under Sections 376, 506 I.P.C. and Section 67-B of the I.T. Act, Police Station Manjhila, District Hardoi, during trial.
4. Learned counsel for the accused-applicant while pressing the bail application submits that the applicant has been falsely implicated in this case and he has not committed any offence as claimed by the prosecution.
5. It is further submitted that in fact the prosecutrix and applicant was having a relationship and they were frequently cohabiting and as the prosecutrix was major, no offence has been committed by the applicant. The statement of the prosecutrix recorded under Sections 161 and 164 Cr.P.C. has been given under the influence of her family members as the marriage of the prosecutrix, which was scheduled to be solemnized, has been broken.
6. It is also submitted that no video of any kind has been recovered from the mobile phone of the applicant. The applicant is in jail in this case since 15.03.2022 without any criminal history and there is no apprehension that after being released on bail he may flee from the course of law or may otherwise misuse the liberty.
7. Learned A.G.A. for the State vehemently opposes the prayer of bail of the applicant on the ground that the applicant has committed heinous offence and having regard to the manner in

which the crime has been committed, he is not entitled to be released on bail.

8. Having heard learned counsel for the parties and having perused the record, it is evident that age of the prosecutrix is about 20 years. In her statement recorded under Sections 161 and 164 Cr.P.C., she has specifically alleged that when she came out of her home in the night, she was overpowered and her hands were tied by the applicant and thereafter he not only committed sexual assault on her but also made video of the same and so much so the said video was also sent on the 'Whatsapp' of Shyamu Kashyap @ Shyam Kishore with whom her marriage was scheduled to be solemnized. In this regard statement of Shyamu Kashyap @ Shyam Kishore is also significant, wherein he has given the phone number of the applicant as well as his phone number stating that obscene video of the prosecutrix was sent on his mobile number by the mobile number of applicant/accused. Similar statement has been given by the prosecutrix under Section 164 Cr.P.C., wherein she has stated that after making obscene video of sexual activity, the same was sent to her would be husband and by that act of the applicant, her marriage, which was scheduled to be solemnized in near future, has broken. The video, which was received by Shyamu, has also been provided to the investigating officer. Keeping in view all the facts and circumstances of the case and having considered the act of the applicant in sending the video allegedly made by him of the sexual activity to her would be husband is sufficient enough to decline the facility of bail to the applicant.

9. Thus having regard to the evidence available on record against the applicant, I do not find any good ground to release the applicant on bail. Thus the bail application moved on behalf of applicant - **Ankit Pal S/O Ram Bhajan** is hereby **rejected**.

10. However, the trial court is directed to proceed with the trial and make all out efforts to conclude the same expeditiously.

11. Observations made herein-above by this court are only for the purpose of disposal of this bail application and shall not be construed as an expression of this Court on the merits of the case.

12. Office is directed to immediately send a copy of the instant order to the trial court concerned for compliance.

Order Date :- 12.10.2023

Anupam S/-